

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS UNION
LOCAL 525 HEALTH AND WELFARE
TRUST AND PLAN, *et al.*,

Plaintiffs,

v.

SECURITY PLUMBING & AIR
CONDITIONING,

Defendant.

BOARD OF TRUSTEES OF THE
PLUMBERS AND PIPEFITTERS
LOCAL 525 HEALTH AND WELFARE
TRUST AND PLAN, *et al.*,

Plaintiffs,

v.

FRANCISCO GONZALEZ-FARIAS, *et*
al.,

Defendants.

TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION
FUND AND INTERNATIONAL
TRAINING FUND,

Plaintiffs,

v.

SECURITY PLUMBING & AIR
CONDITIONING, *et al.*,

Defendants.

Lead Case No.: 2:14-cv-01027-APG-PAL

Member Case No.: 2:15-cv-00824-APG-PAL

Member Case No. 2:15-cv-01148-APG-PAL

**ORDER QUASHING WRIT AND
DIRECTING PLAINTIFF TO RETURN
FUNDS**

(ECF No. 17)

Defendant Security Plumbing previously moved to set aside the Default Judgment entered against it in case number 2:14-cv-1027 and to quash the related writ of execution. ECF Nos. 16, 17. I amended the Default Judgment (ECF No. 34) to delete the monetary amount, and ordered the parties to brief whether the plaintiff in that case should be compelled to return the funds it obtained

1 pursuant to that Default Judgment. ECF No. 28. After considering the parties' briefs, I find that
2 the plaintiff must return the \$8,129.00 collected from Security Plumbing's bank account. Those
3 funds were collected pursuant to the Default Judgment before it was amended to eliminate the
4 monetary amount. Thus, it has no right to retain those funds. The funds collected from Security
5 Plumbing's bond company were not obtained pursuant to the Default Judgment, but rather as a
6 result of the plaintiff's audit of Security Plumbing. Therefore, the plaintiff may retain those funds.
7 ECF No. 33-1 at 24-27.

8 IT IS THEREFORE ORDERED that the defendant's motion to quash the writ (**ECF No.**
9 **17) is GRANTED.** The plaintiff shall return the \$8,129.00 it collected from Security Plumbing's
10 bank account pursuant to the Default Judgment.

11 Dated: June 16, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE